IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 13106 of 2007(I)

PETITIONERS:
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1. **REMA CHANDRASHEKHARAN,AGED 75 YEARS,**
   D/O.NEELAKANDAN,SRUTHI HOUSE NO.1/3050,
   P.O WESTHILL,CALICUT-673 005.

2. **N.S.DATHATHREYAN,AGED 65 YEARS,**
   S/O.NEDINHALIL SANKARAN,OTTAPILAKKAL P.O,
   MARIKUNNU,CALICUT-673 012.

3. **N.VAISHYAMKANDY SATHYARTHAN,**
   AGED 51 YEARS , S/O.BALAKRISHNAN,VIASHYAMKANDY HOUSE,
   NEAR WEST HILL S.R.O P.O WEST HILL,KOZHIKODE673005

BY ADV. SRI.A.RANJITH NARAYANAN

RESPONDENTS:
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1. **THE SUB INSPECTOR OF POLICE ELATHUR**
   POLICE STATION,ELATHUR,KOZHIKODE.

2. **THE DEPTY.SUPERINTENDENT OF POLICE,**
   KOZHIKODE.

3. **T.V.BABU,AGED 38,S/O.SHARADA,**
   PARAYEDATHU HOUSE,EDAKKAD P.O,KOZHIKODE-673 005.
   PRESENTLY RESIDING AT HOUSE NO.11/698,ELATHUR
   AMSOM,MOKAVUR DESAM,KAKKODI,KOZHIKODE.

4. PRAVEEN,AGED NOT KNOWN,S/O.SHARADA,
PARAYEDATHU HOUSE,EDAKKAD P.O,KOZHIKODE-673 005.
PRESENTLY RESIDING AT HOUSE NO.11/698,
ELATHUR AMSOM,MOKAVUR DESAM,KAKKODI,KOZHIKODE.

5. SHIBU ALIAS CHETTIKULAM SHIBU,
AGE NOT KNOWN,FATHERS NAME NOT KNOWN,CHETTIKULAM,
ELATHUR P.O,KOZHIKODE.

BY ADV. SRI.T.R.RAVI
SRI.P.S.MURALI
BY GOVERNMENT PLEADER SRI.SALIM P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 13106/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE SALE CERTIFICATE DT. 23.11.06.

EXT.P2:- COPY OF THE ORDER DT. 30.1.07 BY THE CJM, KOZHIKODE IN CMP. 4191/06.

EXT.P3:- COPY OF THE ORDER DT. 22/2/07 BY THE CJM, KOZHIKODE IN CMP. 587/07.

EXT.P4:- COPY OF THE JENM ASSIGNMENT DEED DT. 6.3.07.

EXT.P5:- COPY OF THE POLICE COMPLAINT DT. 9.4.07.

RESPONDENTS EXHIBITS

EXT.R3(a):- COPY OF THE INTERIM ORDER IN WP.(C) NO.11715/07 DT. 13.4.07.

EXT.R3(b):- COPY OF THE REPRESENTATION DT. 21.4.07.

/TRUE COPY/

P.S. TO JUDGE

tss

K.BALAKRISHNAN NAIR &
HARUN-UL-RASHID, JJ.

W.P.(C) No.13106 of 2007-I

Dated 18th August, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioners are auction purchasers of a property under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The 3rd respondent is the owner of the property. The 4th respondent is his brother. According to the petitioners, the 5th respondent is the muscleman of the 3rd respondent. The 3rd respondent emphatically denies that allegation.

2. The main reliefs sought in the writ petition are the following:

> "(a) To issue a writ of mandamus or any other appropriate writ, order or direction to the 1st and 2nd respondents to give/afford reasonable and appropriate protection to the life and property of the petitioners.
>
> (b) To direct the respondents 3 to 5 to refrain from threating and causing harm/damage/injury to the life and property of the petitioners."

While admitting the writ petition, this Court ordered the police to maintain law and order and also ensure that the lives of the parties are not endangered.

3. Both sides submit that the validity of the auction is the subject-matter of a writ petition pending before this Court. In view of the above position, without prejudice to the contentions of both sides, the writ petition is closed, maintaining the above interim order.

K. BALAKRISHNAN NAIR,JUDGE.

HARUN-UL-RASHID,JUDGE.

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